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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER \

MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,469

Applicant(s)

PATANAİK ET AL.

Examiner

Steven B. McAllister

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11-18 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11-18 and 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 18 and 20-26 are objected to because of the following informalities:
"storage unit" is ambiguous because it is not clear whether it is a storage unit for physical inventory or for information. Also, if it is intended to mean storage unit for information "inventory" is unclear because it refers to the actual physical items and not the inventory information. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 9, 11-16, 18, 20-26 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites that the instructions when executed allow a processor at the first center to reduce the number of resources (in the second center?) in response to detecting an indication of receipt of the resource at the first center. However, as understood by the examiner, the processor at the first center acts essentially as a web browser and does not appear to be capable of reducing the number of resources. As understood, it transmits the acknowledgement of receipt and the processor at the second center reduces the number of resources available.

Similarly, claim 11 recites that the instructions when executed allow a processor at the first center to reduce the number of resources associated with the first center in response to detecting an indication of receipt of the resource at the first center.

Art Unit: 3627

However, as understood by the examiner, the processor at the first center acts essentially as a web browser and does not appear to be capable of increasing the number of resources. As understood, it transmits the acknowledgement of receipt and the processor at the second center increases the number of resources available at the first location in inventory dB 254.

Similarly, claim 18 recites that the processor at the receiving center reduces the adjusts the number of items in inventory. However, as understood by the examiner, the processor at the receiving center acts essentially as a web browser and does not appear to be capable of adjusting inventory. As understood, it transmits the acknowledgement of receipt and the processor at the providing center adjusts the inventory dB 254, which is centrally located at the providing center.

Similarly, claim 28 recites that the processor at the receiving center reduces the adjusts the number of items in inventory. However, as understood by the examiner, the processor at the receiving center acts essentially as a web browser and does not appear to be capable of adjusting inventory. As understood, it transmits the acknowledgement of receipt and the processor at the providing center adjusts the inventory dB 254, which is centrally located at the providing center.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3627

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-9, 11-13, 16-18, 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBusk et al (6,314,556) in view of Fuchs et al (5,996,889).

DeBusk et al show placing a request order for an item located at a first location from a second location, comprising scheduling an event and allocating an item to that event via the reservation system; and receiving the item at the second location for use during the event. DeBusk does not explicitly show providing an indication of receipt at the second location, or reducing the inventory associated with the first location in response to receiving the indication. Fuchs shows providing an indication of receipt at the second location comprising reading in the items' identifier, and reducing the inventory associated with the first location in response to receiving the indication. It would have been obvious to one of ordinary skill in the art to modify the method of DeBusk by providing an indication of receipt of the item and reducing the associated inventory level in order to track the item and its location.

As to claims 2, 13 and 24, DeBusk et al show all elements of the claims except that the indication of receipt of the item includes an email message. However, it is notoriously old and well known in the art to send an email message to verify the receipt of an item. It would have been obvious to one of ordinary skill in the art to provide such an email in order to provide an indication of who has custody of the item.

As to claim 4, DeBusk et al in view of Fuchs et al show incrementing the inventory associated with the second location in response to receiving the item at that location.

As to claim 5, 12, 22 and 26, DeBusk et al in view of Fuchs et al show all elements including scheduling an item. The system can inherently perform the scheduling for any reason, including a benchmark test.

Alternatively, DeBusk et al in view of Fuchs et al show all elements, including scheduling an item, except that the scheduling is for a benchmark test. It does not explicitly show that it is for a benchmark request. However, it is notoriously old and well known in the art to schedule an item for a benchmark test (e.g., scheduling an item for use in a medical test in which a health benchmark is determined). It would have been obvious to one of ordinary skill in the art to further modify the method and software of Debusk et al by providing for such scheduling in order to streamline and track resources associated with medical tests.

As to claim 6, DeBusk et al in view of Fuchs et al show the item being designated as rotational equipment since it shows the same equipment being used by different users at different times.

As to claim 7, DeBusk et al in view of Fuchs et al show tracking use of the item.

As to claims 8, 16 and 25, DeBusk et al show all elements of the claims except that the order request is approved before it is sent. However, it is notoriously old and well known in the art to provide for approval for a request, especially in a medical environment where access to items may be controlled. It would have been obvious to one of ordinary skill in the art to modify the method of DeBusk et al by providing for approval of requests in order to provide for managerial control over costs associated with the use of assets and supplies.

As to claims 9, and 11, the combination of DeBusk et al in view of Fuchs et al show an article comprising a computer system comprising one or more storage medium having instructions that when executed enable the processor to conduct all recited steps.

As to claim 17, DeBusk et al show means for placing a request order to acquire at a first location an item, comprising a computer and software as discussed above. DeBusk et al do not explicitly show means for recording that the item has been received at the first location; means for providing an indication of receipt of the item; or means for reducing the inventory. Fuchs et al shows all elements. It would have been obvious to one of ordinary skill in the art to modify the apparatus of DeBusk et al by providing the elements of Fuchs et al in order to better track the movement of items.

As to claim 18, it is noted that DeBusk et al in view of Fuchs et al, as applied above, show all elements of the claim.

It is noted that in claims 18-26, the "adapted to" language is interpreted as intended use, as are all claims which only further expand on the intended use recited in claim 18. However, in order to promote compact prosecution, the claims are additionally treated below as if the language provided further limitations.

As to claims 20-21 and 23, it is noted that DeBusk et al show all elements.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBusk et al in view of Fuchs et al, as applied to claim 9 above, and further in view of Conway (5,732,401) .

As to claim 14, DeBusk et al in view of Fuchs et al show all elements except determining if the resource is designate for resale to a customer. Conway shows this element. In Conway, the tracking system tracks expendable supplies in addition to assets of the business. It is noted that upon their use, the expendable supplies are charged to the customer. It would have been obvious to one of ordinary skill in the art to further modify the software of DeBusk et al by providing designation of items for resale to the customer in order to determine how to account for their cost.

As to claim 15, it is noted that DeBusk et al in view of Fuchs et al and Conway show tracking the usage of the resource based on determining that the resource designated for resale.

It is noted that in claims 27-29, the "configured to" language is interpreted as intended use. However, in order to promote compact prosecution, the claims are additionally treated below as if the language provided further limitations.

Claims 27 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al (6,801,913) in view of Fuchs et al (5,996,889).

As to claims 27 and 28, Matsumura shows a plurality of networked computing systems; wherein a first is coupled to a first source including a number of resources;

Art Unit: 3627

and a second is configured to provide an order to acquire a resource from the first source. Matsumura do not explicitly show that the second system provides an indication of receipt of the resource, or that the first system is configured to reduce the number of resources in response to the indication. Fuchs shows these elements. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Matsumura as taught by Fuchs in order to provide better tracking of items.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al in view of Fuchs et al as applied to claim 27 above, and further in view of Conway (5,732,401).

Matsumura et al in view of Fuchs et al show all elements except scheduling an event upon receiving the order from the second computer system. Conway shows scheduling for an event comprising a medical operation. It would have been obvious to one of ordinary skill in the art to further modify the method of Matsumura et al by scheduling an event as taught by Conway in order to assure that the item is properly associated with that event for scheduling.

It is noted that "to perform a benchmark request" is interpreted as intended use only, and is not further limiting. The method can inherently schedule for any event.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven B. McAllister

STEVE B. MCALLISTER
PRIMARY EXAMINER